

PATENT  
ATTY. DOCKET NO. 63616.000002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application Number : 10/770,390 Confirmation No.: 2751  
Applicant : Catherine L. GIFFORD, et al.  
Filed : February 4, 2004  
Title : HAIR STYLING APPARATUS AND METHOD FOR STYLING  
A PERSON'S HAIR  
TC/Art Unit : 3732  
Examiner: : Doan, Robyn Kieu  
  
Docket No. : 63616.000002  
Customer No. : 21967

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Declaration Of Catherine L. Gifford Under 37 C.F.R. § 1.132**

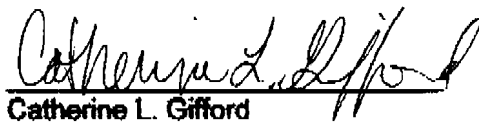
Sir:

I, Catherine L. Gifford, state as follows:

1. I am a named inventor for the above-listed application. I am also President of the company that sells the product related to the invention claimed in the above noted application.
2. I declare that the April 2005 issue of Vogue Magazine included the Scrunchit product on their "Most Wanted For Spring" page. Attachment A
3. I declare that the March 2005 issue of Sophisticate's Hair Style Guide magazine included the article captioned "Going Curly" regarding the Scrunchit product. Attachment B.
4. I declare that I received the attached testimonial from Melanie Reese, a Scrunch Glove user in Logandale, Nevada with 15 years of experience in the industry. Attachment C.

Appln. No. 10/770,390  
Docket No. 63616.000002

5. I declare that I received the attached testimonial from Kerri Thornton, a hair stylist in Henderson, Nevada, with 17 years of experience in the industry. Attachment D.
6. I declare that the financial data included in Attachment E is an accurate representation of the sales data related to the Schrunchit product for the time period from July 2004 to July 2006. Over 1.2 million dollars in gross revenue has been sold.
7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

  
Catherine L. Gifford

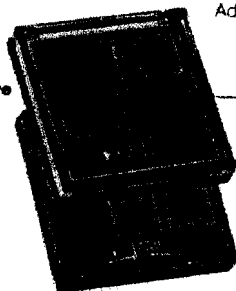
7/14/06  
Date

# **ATTACHMENT A**

Advertisement

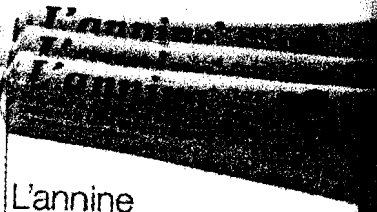
## Vaniqua

Let others see your natural beauty, and save time too! What could be better for today's busy women? Visit [VANIGA.com/rebate](http://VANIGA.com/rebate) for valuable information, and for \$10 off your first prescription of VANIGA! [VANIGA.com/rebate](http://VANIGA.com/rebate) or 866-867-0110



## j.a.n.e.

Carry-Along Quads and Mix & Match Collections. Eyeshadows expertly-matched to highlight, contrast and color! Available in multiple combinations for diverse complexions. Available at drug/mass stores.



## L'annine

A gift from the heart, L'annine hand and body cream loves your skin the way you do. L'annine has miraculous healing properties for all skin conditions. L'annine is #1 recommended by consumers. Visit website to read testimonials: [bminternational.com](http://bminternational.com). Available at fine stores. For info, call toll free 877-LANNINE.

# Most Wanted for spring

by janelle & enka



## Comodynes

with oats, Make-up remover towelettes, tone, moisturize and soothe your skin. Comodynes Dermatological for acne and problem skin, cleanses pores, non-drying, restores moisture. Available at: *Savendrug*, *Bartell Drugs*, *Q&A Drug* & [comodynes.tv](http://comodynes.tv)

## ECRU New York

For curl without frizz, scrunch a small amount of Silk Nectar Serum and Marine Styling Balm onto damp hair. With Cosmetic Haircare the possibilities are endless...used individually or together, ECRU New York creates any style on all types of hair. [ecrunewyork.com](http://ecrunewyork.com) or 888-ECRU-NYC



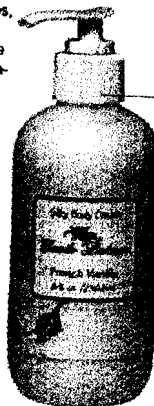
## Curlisto

**8 Minute Curl Repair**  
Revolutionary hair Masque intensively repairs dry, frizzy, damaged hair in 8 minutes without heat. Follow with our Repair Styling Cream for split ends and maximum results on your style. \$28-30 [curlisto.com](http://curlisto.com) or 800-811-CURL for a free consultation.



## Camille Beckman

Indulge your senses with French Vanilla luxurious creams and lotions. Using quality old fashioned formulas made with wholesome ingredients. French Vanilla is fun to give...and receive! For stores visit [camillebeckman.com](http://camillebeckman.com)



## Makeup Magic

When beauty matters... Blemish Cover Kit has everything you need to conceal and control breakouts in one great kit. \$30, [makeupmagic.com/bc01](http://makeupmagic.com/bc01) or 800-524-1120

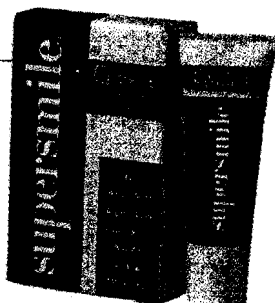
## Sexy Hair

For a soft, silken finish irresistible to touch, look for Silky Sexy Hair Satin, a medium-hold non-aerosol hairspray, at Trade Secret and other fine salons. See [sexyhair.com](http://sexyhair.com)



## Supersmile

The anytime, anywhere, whiter teeth, fresher breath, on-the-go oral care revolution that fits in your pocket, created by Dr. Irwin Smigel the "father of aesthetic dentistry". [supersmile.com](http://supersmile.com)



## Scrunch & Curl

Curl without damaging chemicals, high heat or curler sets? The Scrunch & Curl hair system gives you sexy curls and shine that lasts all day, the way you want it. away. scrunch & curl \$39.99+/\$h



for more information: Haute Media by Janelle Harris and Enka Palm 949.675.4500

# **ATTACHMENT B**

SOPHISTICATE'S HAIRSTYLE GUIDE

JESSICA KELLY

900+STYLES

MORE THAN ANY OTHER MAGAZINE!

SOPHISTICATE

HAIR

MISCHA BARTON

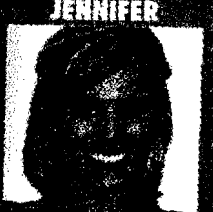
WORLD'S BEST-SELLING HAIR MAGAZINE O.C. STYLES!



JENNIFER



RACHEL



KRISTEN



REBA



JENNIFER



MONICA

FREE SAVE \$10 ON HAIR PRODUCTS

BIG 200 EDITION

MORE MORE PAGES!

DESPERATE HOUSEWIVES' SEXY STYLES!

bonus! three big sections!

CLIP & SNIP

STAR MAKEOVER! AMERICAN DREAMS' GAIL O'GRADY

PRINTED IN USA

\$4.99 (CAN. \$5.99)



Retailers: Display Until March 1, 2006

product!

# GOING CURL

get great texture and waves in a snap

Looking for a change from those stick-straight locks? Then you've got to try One Minute Scrunch & Curl, a three-step system to get pretty waves and curls. *Sophisticate's* has the detailed scoop right here—and the chance for you to try this nifty product

## What It Is

We're seeing tons of texture everywhere—from the runways to the red carpet to the streets in every city. Now you can create your very own wavy mane at home, thanks to One Minute Scrunch & Curl. From the creators of One Minute Manicure, Scrunch & Curl is a three-step system that uses your own blow-dryer to imbue locks with pretty waves.

The kit comes with a Curl Forming Creme, a Scrunch Glove and a wide-tooth comb, all specially designed to help form beautiful curls and waves on even naturally straight hair.

## How It Works

The Scrunch & Curl Curl Forming Creme primes damp locks for curl readiness and helps form softer curls that last longer. A special glove is then used to scrunch hair while blow-drying. The glove is specially designed to absorb water and protect your hand from the heat of the blow-dryer. It also acts as a "convection oven," quickly drying the hair by rotating the heat through your cupped hand. Because the hair is drying quickly, it's "freezing" the curl you've created with the scrunching. The whole process takes no longer to do than it you were blow-drying your hair normally!

## step-by-step



**Step One:** Wash and condition hair. Use the Scrunch & Curl Curl Forming Creme on damp hair.



**Step Two:** Blow-dry hair. Use the Scrunch & Curl Curl Forming Creme on damp hair. Rotate the heat through your cupped hand (above).

**Step Three:** Blow-dry hair. Use the Scrunch & Curl Curl Forming Creme on damp hair. Rotate the heat through your cupped hand (above).

Scrunch & Curl  
TRY IT FOR  
**free!**

*Sophisticate's Hairstyle Guide* and One Minute Scrunch & Curl have teamed up to offer 10 readers the hot opportunity to try this cool curl-creating product for free. Simply fill in the coupon below and be one of the first 10 readers to mail it to:

### Send coupon to:

*Sophisticate's Hairstyle Guide*  
Scrunch & Curl, 875 N. Michigan Avenue,  
Suite 3434, Chicago, IL 60611-1901.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ ZIP: \_\_\_\_\_

**Hurry!** Supplies are limited and this offer is only good until they run out. Only original coupons will be accepted.

## scrunch & curl YOUR QUESTIONS ANSWERED

- Q:** How long will the curls last that I create with Scrunch & Curl?
- A:** Those pretty curls will typically last for several days or until you wash them out. Of course, curls can be affected by hair type, weather conditions and other products you use, just like natural ringlets.
- Q:** How much does the system cost, and what's included?
- A:** Each Scrunch & Curl kit comes with Curl Forming Creme, a Scrunch Glove and a Styling Comb, for a retail value of \$29.95. The Creme can be washed for re-use, and the Glove will last for a long time, depending on how much you use. You can also purchase the Styling Spray to help secure curls.
- Q:** Where can I buy Scrunch & Curl?
- A:** You can call 1-800-663-8468 or check out our website.



Reg  
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reg

# **ATTACHMENT C**



**Cuneo, Chris**

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**From:** Catherine and Brent [giff92888@cox.net]  
**Sent:** Saturday, June 03, 2006 7:21 PM  
**To:** Cuneo, Chris  
**Subject:** Scrunch Glove

June 2, 2006

Dear Catherine,

I think your Scrunch Glove is awesome!!!! There is just nothing else like it, anywhere! Who could have ever thought that something so simple as a glove could transform straight, lifeless hair into hundreds of glorious curls! And what's more----it's sooo easy to use! I am a BELIEVER!

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Sincerely,

Melanie Reese

702-398-3793

7/13/2006

# **ATTACHMENT D**

**Cuneo, Chris**

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**From:** Cuneo, Chris  
**Sent:** Thursday, June 15, 2006 6:14 PM  
**To:** Cuneo, Chris  
**Subject:** FW: Vogue Magazine SCRUNCH GLOVE

-----Original Message-----

**From:** Catherine and Brent [mailto:giff92888@cox.net]  
**Sent:** Thursday, June 01, 2006 9:44 PM  
**To:** Cuneo, Chris  
**Subject:** Re: Vogue Magazine SCRUNCH GLOVE

To Whom it May Concern,

It had been my privilege to use Scrunch and Curl this last year. I have been doing hair for fourteen years and have not found a product that was so client friendly. Many times you can style a person's hair and try to teach them how to do it themselves and when they get home they do not get the same results. I have tried this product on friends, family and clients. They have come back to me time and time again, saying how easy it was to use and how they have shown their friends and have done their own children's hair. One of the main products is the glove. I have found the glove to be comfortable and an easy fit to anyone's hand. The material is thin enough to be able to manipulate the hair into the correct style and yet be a protective cover from over heating. It has multiple uses for drying as well as styling the hair. In the past I have done my hair in a curly fashion and had to use so much more product to get the results that I get with Scrunch and Curl. It is a simple and non complicated way for people to have the permed look without the perm damage. There are so many variations one can do with this product whether it is a tight curl or a relaxed wave. I have been impressed and happy to use Scrunch and Curl and will keep suggesting it to my cliental.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Kerri Thornton  
Henderson, Nevada  
May 22, 2006  
702-566-5566

|

7/13/2006

# **ATTACHMENT E**

**MYKYTYN ENTERPRISES, INC.**  
835 GREENS PARKWAY  
SUITE 200  
HOUSTON, TX 77067

**Detail Sales Analysis by Item**  
From Date: 09/01/04 To Date: 09/30/04

Customer #	Customer Name	Shipped Sales Price	Avg. Price	Price Extended
		21.0		759.83

Subtotal:

**Item Number**

665 SCRUNCH & CURL CURLING CREME

Customer #	Customer Name	Shipped Sales Price	Avg. Price	Price Extended
EUPH	EUPHORIA SALON & DAY SPA	3.0	0.00	133.44
		3.0		400.32

Subtotal:

**Item Number**

665. SCRUNCH & CURL CURLING CREME

Customer #	Customer Name	Shipped Sales Price	Avg. Price	Price Extended
INTERURBAN	INTERURBAN GIFTS AND HAIR EXPOSE	0.17	0.00	166.80
NORSHO	MYKYTYN MEDICAL	1.0	0.00	90.24
RETAIL	RETAIL CUSTOMER	0.2	0.00	334.80
SAMJUL	SAMPLES JULIE	0.12	0.00	0.00
WHLSL	WHOLESALE CUSTOMER	0.2	0.00	156.00
		2.9		249.29

Subtotal:

Grand Total:

16575.30

1,657.50

Date : 10/12/2004  
Time : 10:47 AM

**MYKYTYN ENTERPRISES, INC.**  
835 GREENS PARKWAY  
SUITE 200  
HOUSTON, TX 77067

Page no.

**Detail Sales Analysis by Item**  
From Date: 09/01/04 To Date: 09/30/04

<u>Item Number</u>	<u>Item Description</u>					
640	SCRUNCH & CURL CLIENT KIT					
	<u>Customer #</u>	<u>Customer Name</u>	<u>Shipped</u>	<u>Sales Price</u>	<u>Avg. Price</u>	<u>Extended</u>
	AERIAL	AERIAL COMPANY, INC.	65.0	0.00	129.48	8416.20
	EUPH	EUPHORIA SALON & DAY SPA	1.0	0.00	191.76	191.76
	FOOTS	FOOTSIES	0.6	0.00	143.88	71.94
	MEMBEAU	MEMPHIS BEAUTY SUPPLY	12.0	0.00	143.88	1726.56
	RHOD	RHODES BEAUTICIAN SUPPLY	24.0	0.00	143.88	3453.12
	WHLSL	WHOLESALE CUSTOMER	9.10	0.00	105.71	1039.48
Subtotal:			112.4			14899.06

<u>Item Number</u>	<u>Item Description</u>				
6400	SCHRUNCH N CURL BOX				
<u>Customer #</u>	<u>Customer Name</u>	<u>Shipped</u>	<u>Sales Price</u>	<u>Avg. Price</u>	<u>Extended</u>
WHLSL	WHOLESALE CUSTOMER	1.0	0.00	20.00	20.00
Subtotal:		1.0			20.00

<u>Item Number</u>	<u>Item Description</u>					
641	SCRUNCH & CURL SALON KIT					
		<u>Customer #</u>	<u>Customer Name</u>	<u>Shipped Sales Price</u>	<u>Avg. Price</u>	<u>Extended</u>
	FOOTS		FOOTSIES	1.0	0.00	59.40
	WHLSL		WHOLESALE CUSTOMER	2.0	0.00	79.20
Subtotal:				3.0		217.80

<u>Item Number</u>	<u>Item Description</u>				
642	SCRUNCH&CURL STEP BY STEP/DVD				
<u>Customer #</u>	<u>Customer Name</u>	<u>Shipped</u>	<u>Sales Price</u>	<u>Avg. Price</u>	<u>Extended</u>
FOOTS	FOOTSIES	1.0	0.00	5.00	5.00
MEMBEAU	MEMPHIS BEAUTY SUPPLY	1.0	0.00	0.00	0.00
Subtotal:		2.0			5.00

<u>Item Number</u>	<u>Item Description</u>					
643	SCRUNCH&CURL STEP BY STEP/VHS					
		<u>Customer #</u>	<u>Customer Name</u>	<u>Shipped Sales Price</u>	<u>Avg. Price</u>	<u>Extended</u>
	FERGKIM	KILEE DISTRIBUTING	5.0	0.00	4.00	20.00
	WHLSL	WHOLESALE CUSTOMER	1.0	0.00	4.00	4.00
Subtotal:			6.0			24.00

<u>Item Number</u>	<u>Item Description</u>						
645	SCRUNCH & CURL KIT						
		<u>Customer #</u>	<u>Customer Name</u>	<u>Shipped Sales Price</u>	<u>Avg. Price</u>	<u>Extended</u>	
	RETAIL		RETAIL CUSTOMER	17.0	0.00	39.99	679.83
	WHLSL		WHOLESALE CUSTOMER	4.0	0.00	20.00	80.00

MYKYTYN ENTERPRISES, INC.  
835 GREENS PARKWAY  
SUITE 200  
HOUSTON, TX 77067

General Ledger Activity Report  
From : 11/01/04 To : 11/30/04

Jrnl. Code	Tran No.	Date	Acct. #	Ref./Account Name	Description	Debits	Credits	Balance	Posted
			4104	Sales - Scrunch & Curl					
BI	00225	11/30/04			BEGINNING BALANCE			67362.77	
CH	00516	11/30/04			Billing Summary		12945.83	80308.60	Yes
CH	00516	11/30/04			SOUTHWEST BANK -1102VSCR	39.99		80268.61	Yes
CH	00516	11/30/04			AMERICAN EXPRES-1109AXCR	39.99		80228.62	Yes
CH	00516	11/30/04			SOUTHWEST BANK -1118VSCR	39.99		80188.63	Yes
CH	00518	11/30/04			SOUTHWEST BANK -1130MCCR	39.99		80148.64	Yes
ACCOUNT TOTALS						159.96	12945.83		
TOTAL TRANSACTION						159.96	12945.83		

12,785.87 NET

Thank you  
N. J. J.

Detail Sales Analysis of Account  
 From Date: 04/01/05 To Date: 04/30/05

Item Number	Item Description	Customer #	Customer Name	Shipped	Sales Price	Avg. Price	Extended
	SCRUNCH & CURL CURLING CREME						
				32.0	0.00	100.08	3202.56
	AERIAL AERIAL COMPANY, INC.			0.4	0.00	100.08	16.68
	HENRY ROTH HENRY ROTH SALON			0.14	0.00	334.80	195.30
	RETAIL RETAIL CUSTOMER			1.1	0.00	166.80	173.75
	WHLSL WHOLESALE CUSTOMER						3588.29
				33.19			
							14685.35

Subtotal:

Grand Total:

April 1468.53  
 Credit Card (below) 5925.00  
 " (April) 559.28  
 7952.81





Scrunchit, Inc.

## ONE MINUTE MANICURE®

May 13, 2005

Dear Catherine and Shauna,

If you would be so kind as to provide back to us the following information regarding the Las Vegas Hair and Nail Show on April 30<sup>th</sup> - May 2<sup>nd</sup>, 2005. This will document our inventory transfer and our agreement regarding this activity.

You were provided by Mykytyn Enterprises, Inc.

600 ea.	Scrunch N Curl Kits	Sku #645
48 ea.	Scrunch N Curl Crème	Sku # 665
96 ea.	Scrunch N Curl Fixing Spray	Sku # 660

### Show Sales Information

Cash Total:

3050

Check Total:

6000 449

Credit Card Total:

6666 6634

Uncollectible Payments:

\$360.00 (credit cards)

(checks)

Grand Total:

~~\$11,544.00~~ 10, 11,544.00

This acknowledges that Scrunchit, Inc. has been compensated with the entire proceeds from this activity and that Scrunchit, Inc. is in receipt of all funds generated at this event as indicated.

Print Name: Catherine Gifford

Signature: Catherine Gifford

Date: 5/23/05

Date : 05/06/2005  
Time : 3:45 AM

**MYKYTYN ENTERPRISES, INC.**  
835 GREENS PARKWAY  
SUITE 200  
HOUSTON, TX 77067

Page no. 1

**Detail Sales Analysis by Item**  
From Date: 04/01/05 To Date: 04/30/05

Item Number

Item Description

640

SCRUNCH & CURL CLIENT KIT

Customer #	Customer Name	Shipped Sales Price	Avg. Price	Extended
AERIAL	AERIAL COMPANY, INC.	27.0	0.00	129.48
INTERURBAN	INTERURBAN GIFTS AND HAIR EXPOSE	0.6	0.00	239.88
SAMPAT	SAMPLES PATTY LEE	0.2	0.00	0.00
WHLSL	WHOLESALE CUSTOMER	3.6	0.00	228.46
Subtotal:		31.2		4415.50

Item Number

Item Description

641

SCRUNCH & CURL SALON KIT

Customer #	Customer Name	Shipped Sales Price	Avg. Price	Extended
SAMPAT	SAMPLES PATTY LEE	1.0	0.00	0.00
Subtotal:		1.0		0.00

Item Number

Item Description

645

SCRUNCH & CURL KIT

Customer #	Customer Name	Shipped Sales Price	Avg. Price	Extended
RETAIL	RETAIL CUSTOMER	36.0	0.00	39.99
Subtotal:		36.0		1439.64

Item Number

Item Description

60

SCRUNCH & CURL FIXING SPRAY

Customer #	Customer Name	Shipped Sales Price	Avg. Price	Extended
HENRYROTH	HENRY ROTH SALON	3.0	0.00	2.99
MAXXB	MAXX BEAUTY	2000.0	0.00	2.49
RETAIL	RETAIL CUSTOMER	12.0	0.00	8.29
SAMPAT	SAMPLES PATTY LEE	1.0	0.00	0.00
WHLSL	WHOLESALE CUSTOMER	31.0	0.00	4.95
Subtotal:		2047.0		5241.92

## Orlando Premiere 2005 Sales

### **SCRUNCH & CURL**

#### **SUNDAY**

<u>ITEM</u>		<u>QTY SOLD</u>	<u>UNIT PRICE</u>	<u>TOTAL SOLD:</u>
Kits - Buy 5 get 1 Free	12X 5=60	60	\$100.00	\$1,200.00
Kits - (free promotional)		12	\$0.00	\$0.00
Kits Individual		217	\$20.00	\$4,340.00
TOTAL:		289		\$5,540.00
Fixing Spray		38	\$5.00	\$190.00
Fixing Spray (Free)		8	\$0.00	\$0.00
TOTAL:		46		\$190.00
Curl Forming Crème		10	\$7.00	\$70.00
TOTAL:		10		\$70.00
TOTAL SALES:				\$5,800.00

#### **MONDAY**

<u>ITEM</u>		<u>QTY SOLD</u>	<u>UNIT PRICE</u>	<u>TOTAL SOLD:</u>
Kits - Buy 5 get 1 Free	12 X 5=60	60	\$100.00	\$1,200.00
Kits - (free promotional)		12	\$0.00	\$0.00
Kits Individual		65	\$20.00	\$1,300.00
Kits-Free Press Room		6	\$0.00	\$0.00
TOTAL:		143		\$2,500.00
Fixing Spray		37	\$5.00	\$185.00
Fixing Spray (Free)		8	\$0.00	\$0.00
TOTAL:		45		\$185.00
Curl Forming Crème		38	\$7.00	\$266.00
TOTAL:		38		\$266.00
TOTAL SALES:				\$2,951.00

Total Show Sales: \$8,751.00